

Sir: We, your Committee on Labor, to whom was referred

H. J. R. No. 1, proposing the ratification of an amendment to the Constitution of the United States, which amendment in substance, grants power to the Congress to limit, regulate and prohibit the labor of persons under 18 years of age, and expressly leaves unimpaired the power of the several states, except that the laws of said states shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL, Chairman.

NINTH DAY.

Senate Chamber,
Austin, Texas,
February 8, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Oneal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Poage.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senators Excused.

On motion of Senator Poage, Sena-

tor Oneal was excused for the day, on account of illness.

On motion of Senator Purl, Senator Fellbaum was excused indefinitely, on account of illness.

S. C. R. No. 11.

Senator Woodul sent up the following resolution:

Be It Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Honorable District Judges of each and all of the several Criminal District Courts of the State of Texas be, and they and each of them are hereby granted permission to be absent from the State of Texas at such intervals and for such time as they see fit and desire while their respective courts are in vacation, during 1934 and 1935.

WOODUL.

On motion of Senator Woodul, the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 8, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 10, Granting Hon. Lee Wallace, Judge of the Thirty-eighth Judicial District of Texas, permission to be absent from the State of Texas at certain intervals during 1934 and 1935.

H. C. R. No. 17, Defining the intent of the Legislature with reference to certain appropriations made for the Texas National Guard.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 12.

Senator Parr sent up the following resolution:

Whereas, By Chapter 68, Acts of the First Called Session of the Forty-third Legislature, being S. B. No. 69, there was created Valley Conservation and Reclamation District, embracing all the lands within the boundaries of Cameron, Hidalgo and Willacy Counties, Texas, for the purpose of the drainage of its overflowed

lands and other lands needing drainage, and

Whereas, Said Valley Conservation and Reclamation District was in said Act declared to be a governmental agency and body politic with all the powers, rights and duties granted to and/or imposed upon drainage districts under existing laws of the State of Texas with reference to such districts and with such other powers as are now, or may be hereafter conferred upon similar districts; said district especially authorized and empowered to negotiate for and receive donations and grants of money and/or services or other aid from the Government of the United States and/or of the State of Texas, and/or any of the agencies, departments or instrumentalities thereof, and to apply all such moneys, services and aid to the carrying out of the purposes for which said district is created; to enter into contracts with the United States, and/or the State of Texas, and/or any department, agency or instrumentality thereof, and

Whereas, Section 6 of said Act appropriated the sum of \$15,000.00 out of the general funds not otherwise appropriated to be paid to said district, to be used in connection with the organization of said district, defraying the expenses of making engineering surveys, plans and specifications, for the compilation of other necessary data, etc.; and

Whereas, In making said appropriation the Legislature intended that the \$15,000.00 should be at once paid over to said district to be expended by it, and to express such intention declared in said Act, "and there shall be paid to said district . . . the sum of \$15,000.00;" and

Whereas, The Comptroller is uncertain from the language in said Act whether he is authorized to at once pay over to said district the entire appropriation, and said district having no funds other than said appropriation, without power to create debt, and being called on to advance railroad transportation and expenses of drainage engineers connected with the U. S. Department of Agriculture from as far as Boise, Idaho, and other extraordinary expenses in connection with accumulating data for the drainage of its lands; and the Comptroller being unable to advance such expenses, unless said appropriation is at once paid over to said district it will be unable to function and carry

out the purposes for which it was created;

THEREFORE, BE IT RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, That it is and was the intention of the Legislature of the State of Texas, in establishing said Valley Conservation and Reclamation District, and appropriating \$15,000.00, for, and to be paid to said district, that said appropriation should be at once and in its entirety paid over to said district to be expended by it in carrying out the purposes for which it was established;

AND BE IT FURTHER RESOLVED, That the Comptroller is hereby authorized and directed to issue, and the State Treasurer to pay, a warrant in the sum of \$15,000.00, the amount of said appropriation, to said Valley Conservation and Reclamation District to be expended by said district in accordance with this Act.

PARR,
DeBERRY,
COUSINS,
PURL,
HOPKINS,
NEAL,
DUGGAN,
STONE,
REGAN,
RUSSEK,
PATTON,
PACE,
SMALL,

SANDERFORD,
GREER,
MOORE,
WOODUL,
REDDITT,
HOLBROOK,
BLACKERT,
MARTIN,
WOODWARD,
MURPHY,
HORNSBY,
BECK,

On motion of Senator Parr, the Senate granted unanimous consent to consider the resolution at this time without reference to a committee.

The resolution was adopted by the following vote:

Yeas—27.

Beck.
Blackert.
Collie.
Cousins.
DeBerry.
Duggan.
Greer.
Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Neal.

Pace.
Parr.
Patton.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodul.
Woodward.

Nays—2.

Poage.

Woodruff.

Absent—Excused.

Fellbaum. Oneal.

H. J. R. No. 1.

The Chair laid before the Senate the following resolution:

H. J. R. No. 1, Proposing the ratification of an amendment to the Constitution of the United States, which amendment in substance, grants power to the Congress to limit, regulate and prohibit the labor of persons under 18 years of age, and expressly leaves unimpaired the power of the several states, except that the laws of said states shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Pending.

Executive Session.

At 11:50 o'clock a. m., the Chair announced that the hour for the Executive Session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the Executive Session at 12 o'clock m., the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

The appointment of J. A. Humphries of Lubbock, Lubbock County, Texas, to be a member of the Pink Bollworm Compensation Claim Board in place of R. J. Murray, resigned.

Confirmed.

Recess.

On motion of Senator Russek, the Senate, at 12 o'clock noon, recessed to 2 o'clock p. m. today.

Afternoon Session.

The Senate was called to order, pursuant to recess, at 2 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

Resolutions Signed.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 15, S. C. R. No. 10.
S. C. R. No. 7,

House Resolutions Referred.

H. C. R. No. 14, referred to the

Committee on State Highways and Motor Traffic.

H. C. R. No. 16, referred to the Committee on State Highways and Motor Traffic.

H. C. R. No. 17, referred to the Committee on Military Affairs.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 8, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 14, Granting permission to N. W. Buchanan to sue the State of Texas for personal injuries.

H. C. R. No. 16, Granting permission to Jack Williams to sue the State of Texas for personal injuries.

H. C. R. No. 19, Inviting the Honorable DeLoss Walker, director of the National Recovery Campaign, to address a joint session of the House and Senate in the Hall of the House of Representatives, Friday, February 9, 1934, at 11:10 a. m.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message From the Governor.

Executive Department,

Austin, Texas, Feb. 8, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representatives Sarah T. Hughes and Charles H. Tennyson, I am submitting herewith for your consideration a bill to be entitled:

"An Act making an appropriation to pay deficiencies for interest on bonds of the State of Texas, held by Permanent School Fund, Permanent Lunatic Asylum Fund, Permanent Blind Institute Fund, Permanent Deaf and Dumb Institute Fund and Permanent Orphans Home Fund of the State of Texas, authorizing payment of interest on the taking effect of this Act.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

H. J. R. No. 1.

Relating to ratification of the Child Labor Amendment to the Federal Constitution.

The resolution was lost by the following vote:

Yeas—11.

Blackert.	Sanderford.
Greer.	Small.
Neal.	Woodruff.
Pace.	Woodul.
Purl.	Woodward.
Rawlings.	

Nays—17.

Collie.	Murphy.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Stone.
Moore.	

Absent—Excused.

Oneal.

(Pair Recorded.)

Senator Beck (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

Senator Hopkins moved to reconsider the vote by which the resolution failed to pass.

Senator Holbrook moved to table the motion to reconsider.

The motion of Senator Hopkins was tabled by the following vote:

Yeas—18.

Beck.	Moore.
Collie.	Murphy.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Stone.

Nays—11.

Blackert.	Sanderford.
Greer.	Small.
Neal.	Woodruff.
Pace.	Woodul.
Purl.	Woodward.
Rawlings.	

Absent—Excused.

Fellbaum. Oneal.

Reason for Vote.

After careful study, due deliberation, and most serious consideration

of the issues involved, my conscientious conclusions and convictions compel me to vote against the ratification of the so-called "Child Labor Amendment," because it calls for the surrender of one of the sovereign rights of the States, which is specially reserved under the Constitution, and for which tremendous sacrifices have already been made, and because this amendment is subversive of the rights of our citizens as guaranteed under the Constitution.

In my opinion, the sacrifice of the time-honored principle of State's Rights is far too great a price to pay for the questionable advantages that might be attained. It is my sincere belief that this is a matter which should be kept subject to the control of the State and not the Federal Government, for the problems affecting children are so varied in the several States due to local conditions and are, therefore, more susceptible of a wise and proper solution by the State Legislatures than by the National Congress. Texas now has an excellent child labor law and I am ready and willing to give my best efforts toward making it better and stronger whenever conditions arise that require it. My active interest in behalf of child welfare and better opportunities and greater educational advantages for the children of Texas has been shown by my acts as a public official and my efforts as a private citizen.

This proposed amendment, if ratified, would authorize the Federal Congress to prohibit absolutely all persons under 18 years of age from engaging in any kind of labor. This is unreasonable, undemocratic, unwise and unduly extreme. It does violence to my conception of the fundamental principles of good government. I very much prefer to entrust the welfare and happiness of the children of our country to their own fathers and mothers rather than to any kind of Federal agency.

"Our great democratic form of government is in far more danger from cowards than crooks in the public service."

Most sincerely,
JNO. W. HORNSBY.

H. C. R. No. 19.

The Chair laid before the Senate H. C. R. No. 19, fixing a joint session of the House and Senate to hear Hon. DeLoss Walker.

Senator Woodruff moved to lay the resolution on the table, subject to call.

Senator Purl moved to table the motion of Senator Woodruff.

The motion to table prevailed.
The resolution was adopted.

Adjournment.

On motion of Senator Hopkins, the Senate, at 5:15 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow morning.

APPENDIX.

Petitions and Memorials.

The Dallas News
Dallas, Texas

February 7, 1934.

To the Hon. Senate of the State of Texas, Austin, Texas.

Gentlemen: In the mail of February 4 there came a copy of Senate Resolution No. 4, adopted January 30, 1934, expressing sorrow and regret over the passing of my brother, Walter A. Dealey. Enclosed in the envelope was also a copy of the resolution for my mother and father, Mr. and Mrs. G. B. Dealey.

Will you kindly allow me to express, on behalf of myself, my father and mother and our entire family, our great appreciation and gratitude to your august body for this act of courtesy and kindness. You may rest assured that it came as a great consolation to us all and it was an action which will never be forgotten.

Very sincerely yours,

TED DEALEY.

LaGrange, Texas.

February 6, 1934.

To the Hon. Senate of the State of Texas.

Gentlemen: We, the Lutheran pastors of the Mo. Synod of Fayette, Bastrop and Lee Counties, in conference assembled, respectfully submit the following memorials to you and request a careful study of the same:

There is now pending before your venerable body the so-called Roger-Bradley Child Labor Amendment for your ratification.

We are unanimously opposed to it in its present form and hope it will be rejected or so modified that the objectionable features are removed. The objectionable features in our view are:

(1) That the amendment is too vague in its wording and too all inclusive in its power;

(2) That the amendment is an infringement of parental rights and State rights as well;

(3) That it would create another costly bureau with a host of inspectors and spies to harass all parents;

(4) That the amendment is socialistic and communistic in its tendencies and will lead to the destruction of our system of free government;

(5) That there is no need for additional legislation against child labor in factories, mines, sweatshops, etc., as our Honorable President F. D. Roosevelt has declared in his recent message to Congress (Jan. 3, 1934) in the words "Child labor has been abolished."

We sincerely hope you will share our views and reject this amendment.

Respectfully,

THE POST OAK CONFERENCE.

O. C. Schreiner, President.

A. E. MOEBUS, Secretary.

LaGrange, Texas.

(Telegram.)

San Antonio, Texas.

February 8, 1934.

Chairman Labor Committee of Senate, Austin, Texas.

Public Affairs Committee Y.W.C.A. San Antonio urges ratification Child Labor Amendment.

MRS. E. C. QUEREAU,

Chairman.

(Telegram.)

San Antonio, Texas.

February 8, 1934.

Chairman of Labor Committee of Senate, Austin, Texas.

San Antonio Group of Government and Economics urge ratification of Child Labor Amendment.

MYRA SCOTT, Chairman.

Congregation Emanu-El

Dallas.

February 5, 1934.

Senator George C. Purl, Austin, Texas.

Dear Mr. Purl: I was very happy to learn that a resolution has been introduced in the Texas Legislature for the ratification of the Child Labor Amendment to the United States Constitution. I am sure that I need not go into details of argument in behalf of such a ratification. Quite a large number of States of the Union have recently gone on record

for such a ratification, and it is hoped that Texas will not be trailing at the end, or even refusing to be amongst the ratifiers at all.

The Child Labor Amendment to the United States Constitution is one of the great forward humanitarian steps and will again return to millions of boys and girls their free childhood and an opportunity for health and joy.

Hoping that the resolution will soon come before the Legislature of the State and that you will see your way to voting for it, I am

Very sincerely yours,

DAVID LEFKOWITZ.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 7 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 10 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 1, Granting to Maney & Alley, contractors of Tarrant County, Texas, permission to bring suit against the State of Texas and/or the State Highway Commission of Texas in the District Court of Travis County, Texas, etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 4, Granting O. B. Hamilton, of Red River County, Texas, permission to bring suit against the State of Texas and/or against the State Highway Department of Texas, in a court of competent jurisdiction in Travis County, Texas, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 11, Granting to Sam Tobolowsky and James A. Gripeotis, of Vickery, Texas, permission to bring suit against the State Highway Commission and the State of Texas, in Travis County, Texas, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the appointment of Hon. J. A. Humphries of Lubbock, Lubbock County, Texas, to be a member of the Pink Bollworm Compensation Claim Board in place of Hon. R. J. Murray, resigned.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. C. R. No. 9, Being a request that the Post Office Department of the United States, through the Post Master General, issue a series of commemorative stamps, the first sale of

which to be made on March 6, 1936, in San Antonio, Texas; the stamps to be of denominations of one cent, two cents, three cents, five cents and ten cents; the size of the stamps to be twice the size of the regular issue of United States postal stamps and in various designs.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic to whom was referred

H. C. R. No. 16, Which seeks to grant to Jack Williams permission to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 14, the same being a resolution granting to N. W. Buchanan permission to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

In Memory
of
Hon. Henry L. Lewis

Senate Resolution No. 11.

Senator Patton sent up the following resolution:

Whereas, On Sunday, February 4, just as the crimson of the sunset faded into the grey of the evening, the last summons came for our friend, Henry L. Lewis, and with the sunset and evening star he heard the one clear call.

Senator Lewis, although a native of Alabama, had spent the greater portion of his life in Grimes County, Texas, and the people of that district honored him by electing him to the Thirty-seventh, Thirty-eighth, Thirty-ninth and Fortieth Legislature as Senator from that district, and at the time of his death he was still rendering public service to his community as city attorney of Navasota. The fearless and upright manner in which he ever discharged his duties as a public official endeared him to the hearts of the people whom he served, and won for him the admiration and respect of people over the entire State. Texas mourns with his family in their loss, for Texas has need of men such as was Henry L. Lewis. Therefore, be it

Resolved, by the Senate of Texas, Its members extend to the bereaved family their sincerest sympathy, and that a copy of this resolution be sent to his wife, son, brother and sisters; and be it further

Resolved, That when the Senate adjourns today it do so in commemoration of his memory, and that a page of the Journal be set aside for this resolution.

BECK,
BLACKERT,
COLLIE,
COUSINS,
DeBERRY,
DUGGAN,
FELLBAUM,
GREER,
HOLBROOK,
HOPKINS,
HORNSBY,

MARTIN,
MOORE,
MURPHY,
NEAL,
ONEAL,
PACE,
PARR,
PATTON,
POAGE,
PURL,
RAWLINGS,

REDDITT,
REGAN,
RUSSEK,
SANDERFORD,
SMALL,
STONE,
WOODRUFF,
WOODUL,
WOODWARD.

The resolution was adopted.